

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

826070

**Phelan Hallinan Diamond & Jones, PC**

1617 JFK Boulevard, Suite 1400

Philadelphia, PA 19103

856-813-5500

**Attorneys for Caliber Home Loans, Inc.**

In Re:

Jeffrey M. Bratcher-Hoyer

Jennifer L. Hoyer a/k/a Jennifer Michael

**Order Filed on August 2, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey**

Case No: 18-32465 - AP

Hearing Date: July 30, 2019

Judge: Andrew B. Altenburg, Jr.

Recommended Local Form:  Followed  Modified**ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS**The relief set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.**DATED: August 2, 2019**

A handwritten signature in black ink, appearing to read "ABJ".

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Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

Applicant: CALIBER HOME LOANS, INC.  
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC  
Debtor's Counsel: ANDREW B FINBERG, Esquire  
Property Involved ("Collateral"): 1026 KOHLER AVENUE, DEPTFORD, NJ 08096

Relief sought:  Motion for relief from the automatic stay  
 Motion to dismiss  
 Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

The Debtor is overdue for 4 months, from 04/01/2019 to 07/01/2019.  
 The Debtor is overdue for 4 payments at \$1,291.15 per month.  
 The Debtor is assessed for \_\_\_\_\_ late charges at \$\_\_\_\_\_ per month.  
 Applicant acknowledges suspense funds in the amount of \$17.55.

Total Arrearages Due \$5,147.05.

2. Debtor must cure all post-petition arrearages, as follows:

Immediate payment shall be made in the amount of \$2,000.00. Payment shall be made no later than 07/31/2019.  
 Beginning on 08/01/2019, regular monthly mortgage payments shall continue to be made.  
 Beginning on 08/01/2019, additional monthly cure payments shall be made in the amount of \$524.51 for 5 months.  
 On 01/01/2020, additional monthly cure payment shall be made in the amount of \$524.50.

The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

Immediate payment:

Caliber Home Loans, Inc.  
P.O. BOX 650856  
Dallas TX, 75265-0856

Regular Monthly payment:

Caliber Home Loans, Inc.  
P.O. BOX 650856  
Dallas TX, 75265-0856

Monthly cure payment:

Caliber Home Loans, Inc.  
P.O. BOX 650856  
Dallas TX, 75265-0856

4. In the event of Default:

Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than

thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

The Applicant is awarded attorneys fees of \$\_\_\_\_\_, and costs of \$\_\_\_\_\_.

The fees and costs are payable:

Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

to the Secured Creditor within \_\_\_\_ days.

Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

**Certificate of Notice Page 5 of 5**  
**United States Bankruptcy Court**  
**District of New Jersey**

In re:  
 Jeffrey M. Bratcher-Hoyer  
 Jennifer L. Hoyer  
 Debtors

Case No. 18-32465-ABA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Aug 02, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 04, 2019.

db/jdb +Jeffrey M. Bratcher-Hoyer, Jennifer L. Hoyer, 1026 Kohler Avenue, Deptford, NJ 08096-1956

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 04, 2019

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 2, 2019 at the address(es) listed below:

Andrew B. Finberg on behalf of Joint Debtor Jennifer L. Hoyer andy@sjbankruptcylaw.com, abfecf@gmail.com;finbergar39848@notify.bestcase.com  
 Andrew B. Finberg on behalf of Debtor Jeffrey M. Bratcher-Hoyer andy@sjbankruptcylaw.com, abfecf@gmail.com;finbergar39848@notify.bestcase.com  
 Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
 Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
 Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
 Jennifer R. Gorchow on behalf of Trustee Isabel C. Balboa jgorchow@standingtrustee.com  
 Nicholas V. Rogers on behalf of Creditor CALIBER HOME LOANS, INC. nj.bkecf@fedphe.com  
 Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation rsolarz@kmllawgroup.com  
 Sherri Jennifer Smith on behalf of Creditor CALIBER HOME LOANS, INC. nj.bkecf@fedphe.com, nj.bkecf@fedphe.com  
 Sindi Mncina on behalf of Creditor CALIBER HOME LOANS, INC. smncina@rascrane.com  
 U.S. Trustee USTPRegion03.NE. ECF@usdoj.gov

TOTAL: 11